

REMARKS

As a preliminary matter, Applicants thank the Examiner for the acknowledgement of allowable subject matter in claims 159-162, 186, 193, 195-199, 205-206, 215, and 228-240.

Claims 150-158, 163-185, 187-190, 192, 194, 200-204, 207-214, and 216-227 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 8-9 of U.S. Patent No. 6,724,452. Applicants respectfully traverse this rejection as follows.

First, the double patenting rejection is wholly inappropriate in this case because the '452 patent is the parent case to the present Application. Claims 3 and 8-9 of the '452 patent depended indirectly from the original version of claim 150 of the present invention, and none of the amendments that have been made to claim 150 in this Application have added the subject matter of any of claims 3 and 8-9 of the '452 parent.

With respect to claim 3 of the '452 patent in particular, the Examiner has not established a *prima facie* case of double patenting. Claim 3 requires that its first domain regulating means are protrusions, that its second domain regulating means are an array of protrusions, depressions, or slits, and that both domain regulating means have a zigzag shape. Claim 3 additionally requires that both the pixel electrodes and the bus lines also have at least a partial zigzag shape. The Examiner has not asserted how any of the claims of the present invention can be interpreted to require a zigzag shape to the pixel electrodes and the bus lines, let alone either to either of domain regulating means.

Independent claim 150, for example, only requires the first domain regulating means to be a protrusion, and one that is not limited to zigzag shapes. Furthermore, the second domain regulating means of claim 150 is not recited to be a protrusion, slit, or depression, as is required by claim 3 of the '452 patent. Applicants point out to the Examiner that the Examiner himself, in finalizing his Restriction Requirement in '452 parent case (Paper No. 7), asserted that a device claiming only protrusions as domain regulating means is a patentably distinct species from a device that claims a combination of protrusions, slits, and depressions. The Examiner should not be allowed to now violate his own final Restriction Requirement from the parent case.

With respect to claims 8 and 9 of the '452 patent, the rejection is further overly broad. Claims 8 and 9 of the '452 patent both require the zigzag shape to the first and second domain regulating means, and also an offset between the two domain regulating means that is smaller than a recited pitch. The Examiner has provided no explanation of how this combination of zigzag shapes and pitch offsets must read upon independent claim 150 of the present invention, for example. Similar to the issue discussed above, both of claims 8 and 9 of the '452 patent depended from the original version of claim 150 of the present invention, and none of the amendments to claim 150 in the present Application have added any subject matter from claims 8 and 9 of the '452 patent. Accordingly, for at least these reasons, the outstanding double patenting rejection should be withdrawn.

Nevertheless, although no such paper should be necessary. Applicants have filed a Terminal Disclaimer together with this Response in the interests of expediting

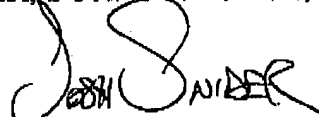
prosecution only. Because the double patenting rejection remains the only rejection of record, Applicants submit that the rejection is rendered moot by the Terminal Disclaimer, and that the case should be in condition for immediate allowance for at least this reason.

For all of the foregoing reasons, Applicants submit that this Application, including claims 150-240, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if a further interview would expedite prosecution.

Respectfully submitted,

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